

UNITED STATES DISTRICT COURT

for the

Northern District of Ohio

United States of America

v.

PETER OUZTS

Defendant

)

Case No. 1:09-mj-4050

Charging District's Case No. CR-09-01051-JF

FILED
2009 NOV -4 PM 5:17
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

WAIVER OF RULE 5 & 5.1 HEARINGS

(Complaint or Indictment)

I understand that I have been charged in another district, the (name of other court)

NorthernDISTRICT OF CALIFORNIA

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing within 10 days of my first appearance if I am in custody and 20 days otherwise — unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

an identity hearing and production of the warrant.

a preliminary hearing.

a detention hearing.

any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: November 4, 2009

Peter J. Ouzts
Defendant's signature

Carolyn M. Kucharski
Signature of defendant's attorney

*Carolyn M. Kucharski - FOR R.5 HQ
only*

Printed name of defendant's attorney

NO cover letter

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA

APPEARANCE BOND

v.

Case Number: 1:09-mj-4050

PETER OUZTS

Defendant

CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND, OHIO

2009 NOV -4 PM 5:13

Non-surety: I, the undersigned defendant acknowledge that I and my _____

Surety: We, the undersigned, jointly and severally acknowledge that we and our _____ personal representatives, jointly and severally, am bound to pay the United States of America the sum of \$ _____ and there has been deposited in the Registry of the Court the sum of \$ 50,000.00, in cash or UNSECURED (describe security)

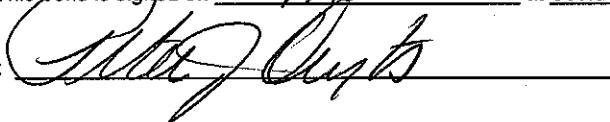
The conditions of this bond are that the defendant, PETER OUZTS is to appear before this court and at such other places as the defendant may be required to appear, in accordance with any and all orders and directions relating to the defendant's appearance in this case, including appearance for violation of a condition of the defendant's release as may be ordered or notified by this court or any other United States District Court to which the defendant may be held to answer or the cause transferred. The defendant is to abide by any judgment entered in such matter by surrendering to serve any sentence imposed and obeying any order or direction in connection with such judgment.

It is agreed and understood that this is a continuing bond (including any proceeding on appeal or review) which shall continue until such time as the undersigned are exonerated.

If the defendant appears as ordered or notified and otherwise obeys and performs the foregoing conditions of this bond, then this bond is to be void but if the defendant fails to obey or perform any of these conditions, payment of the amount of this bond shall be due forthwith. Forfeiture of this bond for any breach of its conditions may be declared by any United States District Court having cognizance of the above entitled matter at the time of such breach and if the bond is forfeited and if the forfeiture is not set aside or remitted, judgment may be entered upon motion in such United States District Court against each debtor jointly and severally for the amount above stated, together with interest and costs, and execution may be issued and payment secured as provided by the Federal Rules of Criminal Procedure and any other laws of the United States.

This bond is signed on 11/4/2009 at Courtroom 10B, 801 West Superior Avenue, Cleveland, Ohio

Defendant:



Surety:

Surety:

Signed and acknowledged before me on 4 Nov. 2009

GERI M. SMITH, CLERK OF COURT

APPROVED:

U.S. District Judge/U.S. Magistrate Judge

By s/ Wanda Golden

Deputy Clerk

SEE "ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE" AS TO SPECIFIC
CONDITIONS OF THE BOND

(M)

UNITED STATES OF AMERICA,

Plaintiff,

UNITED STATES DISTRICT COURT
Northern District of OhioCLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELANDFILED
NOV -4 PM 5:18
ORDER SETTING CONDITIONS
OF RELEASE

v.

PETER OUZTS

Defendant.

CASE NUMBER: 1:09-mj-4050

Release on Personal Recognizance, Unsecured, or Secured Bond

IT IS ORDERED that the defendant be released provided that:

Personal Recognizance

() 1. The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.

Unsecured

(✓) 2. The defendant executes an unsecured bond binding the defendant to pay the United States the sum of 50,000. XX dollars (\$50,000. XX) in the event the defendant fails to appear as required or fails to surrender for service of any sentence imposed.

Fifty thousand
50,000. XX**Secured Bond (Cash or 10%)**

() 3. The defendant executes a secured bond binding the defendant to pay the United States the sum of \$ _____ dollars, and there has been deposited in the Registry of the Court the sum of \$ _____, in (cash, 10% or describe surety) in the event the defendant fails to appear as required or fails to surrender for service on any sentence imposed.

Secured Bond (Property)

() 4. The defendant executes an agreement to forfeit upon failing to appear as required, property of a sufficient unencumbered value, including money, and shall provide the court with proof of ownership and the value of the property along with information regarding existing encumbrances as the judicial office may require.

Standard Conditions of Release

(x) 5. The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.

(x) 6. The defendant shall immediately advise the Pretrial Services Office and defense counsel in writing before any change in address and telephone number. Pretrial Services shall notify the U.S. Attorney of any changes.

(x) 7. The Defendant shall refrain from possessing a firearm, destructive device or dangerous weapon.

(x) 8. Defendant's travel is restricted to the Northern District of Ohio and/or Northern California for et
proceedings & to meet w/ counsel subject to further order of the court

(x) 9. Refrain from use or unlawful possession of a narcotic drug or other controlled substance defined in 21 U.S.C. Section 802 unless prescribed by a licensed medical practitioner.

(x) 10. The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed.

(x) 11. Pretrial Supervision (Check Box "A" or "B")

() A. Submit to Pretrial Services supervision by telephone/fax/mail for the limited purpose of confirming residence and employment. Further conditions may be imposed with approval of a judge of the court.

(X) B. Submit to Pretrial Services supervision as directed, and submit to home or employment visits by Pretrial Services as deemed necessary, and promptly inform Pretrial Services of any address, phone number, or employment changes.

Special Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonable assure the appearance of the defendant and the safety of other persons and the community.

IT IS FURTHER ORDERED that the release of the defendant is subject to the special conditions marked below:

The defendant shall:

- () A. The defendant shall comply with the Northern district of Ohio Offender Employment Policy which may include participation in training, education, counseling, and/or daily job search as directed by the pretrial services and probation officer. If not in compliance with the condition of supervision requiring full-time employment at a lawful occupation, the defendant may be directed to perform up to 20 hours of community service per week until employed, as approved or directed by the pretrial services and probation officer.
- () B. Maintain or commence an education program.
- (✓) C. Surrender any passport to: Clerk of Court no later than Nov. 5th, 2009 by 4pm and/or obtain no new passport.
- () D. Submit to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. Participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the pretrial services office or supervising officer.
- () E. Refrain from any use of alcohol.
- () F. Undergo a psychiatric/mental health evaluation and/or counseling as directed by Pretrial Services. Take all medications as prescribed.
- () G. Avoid all contact with co-defendants.
- () H. Avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution.
- () I. Maintain residence with/at: _____
- () J. Clear all outstanding warrants by: _____
- () K. Location Monitoring Program
 - () Participate in the **Curfew** component of the location monitoring program and abide by all requirements of the program which will include:
 - () Location monitoring technology at the discretion of the officer
 - () Radio Frequency (RF) Monitoring
 - () Passive GPS Monitoring
 - () Active GPS Monitoring (to include hybrid GPS)

You shall pay the cost of the program based upon your ability to pay as determined by the pretrial services office or supervising officer. **Curfew:** the defendant is restricted to their residence every day from _____ to _____, or as directed by Pretrial Services.

- () Participate in the **Home Detention** component of the location monitoring program and abide by all requirements of the program which will include:

- () Location monitoring technology at the discretion of the officer
- () Radio Frequency (RF) Monitoring
- () Passive GPS Monitoring
- () Active GPS Monitoring (to include hybrid GPS)

You shall pay the cost of the program based upon your ability to pay as determined by the pretrial services office or supervising officer. **Home Detention:** The defendant is restricted to their residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by Pretrial Services.

- () Participate in the **Home Incarceration** component of the location monitoring program and abide by all requirements of the program which will include:

- () Location monitoring technology at the discretion of the officer
- () Radio Frequency (RF) Monitoring
- () Passive GPS Monitoring
- () Active GPS Monitoring (to include hybrid GPS)

You shall pay the cost of the program based upon your ability to pay as determined by the pretrial services office or supervising officer. **Home Incarceration:** The defendant is restricted to their residence at all times except for medical needs or treatment, religious services, attorney visits, and court appearances pre-approved by Pretrial Services.

L. The defendant is placed in custody of: (Name of Person or Organization) _____
(City and State) _____ (Telephone Number) _____

Who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed by Custodian or Proxy: _____ Date: _____

M. Defendant to appear before Magistrate Judge
See b6y on 11/19/09 at 9:30 AM, San Jose Courthouse
 N. 1 Federal Bldg., 280 South 1st Street, San Jose,
 O. CA


Nancy J. Chappell
United States Magistrate/District Court Judge

TO THE DEFENDANT:
YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. The sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim, or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

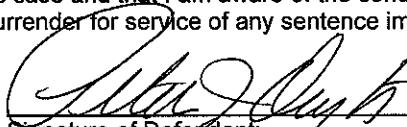
If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- 1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- 2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisonment for not more than five years, or both;
- 3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- 4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.



Signature of Defendant:

Randy Rivera OH

City and State:

440-213-4902

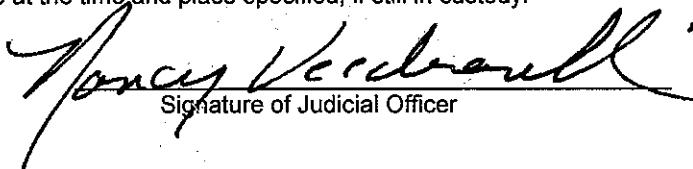
Telephone:

Directions to United States Marshal

The defendant is ORDERED released after processing.

The United States Marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judge at the time and place specified, if still in custody.

Date: 4 Nov. 2009



Signature of Judicial Officer

Nancy A. Vecchiarelli, United States Magistrate Judge

Name and Title of Judicial Officer

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL

O 442 (Rev. 5/93) Warrant for ArrestUnited States District Court
Northern District of California

E-FILED

UNITED STATES OF AMERICA,

V.

WARRANT FOR ARREST

Peter Ouzts

1:09 MJ 4050

Case Number: CR-09-01051-JF

To: The United States Marshal
and any Authorized United States OfficerYOU ARE HEREBY COMMANDED to arrest Peter Ouzts

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

(X) Indictment Information Complaint
 Order of Court Violation Notice Probation Violation Petition

charging him or her with: See Below

CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

2009 NOV -4 AM 11:59

FILED

Count 1 - 18:371- Conspiracy to Commit False, Fraudulent, or Fictitious Claims

Count 2 18:287- False, Fraudulent, or Fictitious Claims

Count 3 18:1001-False Statement to a Government Agency

Cita F. Escalano

Name of Issuing Officer

Cita F. Escalano

Signature of Issuing Officer

Deputy Clerk

Title of Issuing Officer

October 29, 2009, San Jose, CA

Date and Location

Bail fixed at \$ NO BAIL

by

Patricia V. Trumbull

Name of Judicial Officer

		RETURN	ORIGINAL WARRANT HELD BY
		This warrant was received and executed with the arrest of the above-named defendant at <u>U.S. MARSHALS, SAN JOSE</u>	
Date received <u>10/29/09</u>	Name and Title of Arresting Officer <u></u>	NOTIFY ABOVE OFFICE UPON ARREST	
Date of Arrest <u>10/29/09</u>	DO NOT MAKE RETURN ON THIS COPY		

1:09 MJ 4050
 CR-09 01051 JF PVT
 No.

FILED

OCT 28 P 1:40

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

E-filing SAN JOSE DIVISION

RICHARD W. WELONG
 CLERK, U.S. DISTRICT COURT
 N.D. CA SAN JOSE

THE UNITED STATES OF AMERICA

vs.

PETER OUZTS

INDICTMENT

COUNT ONE:

18 U.S.C. § 371 - Conspiracy to Commit False, Fraudulent, or Fictitious Claims

COUNTS TWO - FOUR:

18 U.S.C. § 287 - False, Fraudulent, or Fictitious Claims

COUNTS FIVE and SIX:

18 U.S.C. § 1001 - False Statement to a Government Agency

A true bill.

Matthew McNeil
 Deputy Esquireperson

Filed in open court this 28 day of Oct.

A.D. 2009

Patricia V. Trumbull
 United States Magistrate Judge

Bail. \$ No Bail arrest warrant

DOCUMENT NO.	1
CRIMINAL CASE FILE	

1:09 MJ 4050

1 JOSEPH P. RUSSONIELLO (CASBN 44332)
2 United States Attorney

FILED

2001 OCT 28 P 1:40

4 RICHARD W. WICKING
5 CLERK, U.S. DISTRICT COURT
6 N.D. CA-SDN 10/28
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E-filing

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9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 CR - 09 01051

No.

JF

PVT

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

16 PETER OUZTS,

17 Defendant.

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28VIOLATIONS: 18 U.S.C. § 371 -
Conspiracy to Commit False, Fraudulent, or
Fictitious Claims; 18 U.S.C. § 287 - False,
Fraudulent, or Fictitious Claims; 18 U.S.C.
§ 1001 - False Statement to a Government
Agency

SAN JOSE VENUE

INDICTMENT

The Grand Jury charges:

BACKGROUND

At all times relevant to this Indictment:

1. Defendant PETER OUZTS ("OUZTS") was employed with the Glenn Research

Center of the National Aeronautics and Space Administration in Cleveland, Ohio. As a part of
his assigned duties, OUZTS was assigned to work in Washington, D.C. from March 2004
through July 2008, and subsequently at Moffett Field in California during 2008 and 2009.

2. Unindicted co-conspirator PH, a friend of defendant OUZTS, was employed as an

INDICTMENT

1 Executive Assistant for the Office of the Under Secretary in the Department of Defense.

2 3. The National Aeronautics and Space Administration ("NASA") was an agency of the
3 United States government responsible for the nation's space program.

4 4. On March 3, 2004, OUZTS purchased a boat for \$81,000, which he subsequently
5 docked at the Gangplank Marina in Washington, D.C. and used as his personal residence. PH
6 signed the boat purchase agreement as a witness.

7 5. While residing in Washington, D.C. from April 2004 to July 2008, OUZTS failed to
8 disclose to NASA travel officials that he was living on the boat he purchased on March 3, 2004.
9 Additionally, during this period, OUZTS submitted fraudulent travel vouchers to NASA claiming
10 unsubstantiated lodging expenses. As a result, OUZTS received over \$200,000 in lodging
11 reimbursements from NASA while residing in Washington D.C.

12 6. OUZTS' travel vouchers and expenses were audited by NASA in 2006. In response to
13 this audit, on September 20, 2006, OUZTS submitted fraudulent receipts claiming that he was
14 paying PH \$1200 a month for a "rental property" at the Gangplank Marina. OUZTS submitted 5
15 identical receipts for the months of May, June, July, August, and September 2006. PH initialed
16 each of the receipts that OUZTS provided to NASA.

17 7. OUZTS again submitted fraudulent receipts in 2007 claiming that he was renting a
18 hotel room from PII for the following periods: May 15-24, 2007; June 5-14, 2007; June 25-July
19 6, 2007; July 16-21, 2007; and November 5-10, 2007. These receipts were made payable to PH
20 and used the same Gangplank Marina address. Contrary to the earlier receipts submitted by
21 OUZTS, PH did not initial any of these receipts.

22 8. On April 21, 2008, OUZTS submitted to NASA a fraudulent receipt for \$1623.20 as
23 substantiation for his rental expenses in February of 2008. OUZTS also submitted a photocopy
24 of the front side of a check for \$1623.20 payable to PH as proof of payment for his rental
25 expenses. This check never cleared for payment.

26 9. On July 21, 2008, OUZTS was reassigned to NASA's Ames Research Center
27 ("ARC") in Moffett Field, California.

28 10. On November 6, 2008, while residing in the Northern District of California, OUZTS

1 created and electronically signed travel vouchers claiming lodging expenses for the months of
2 August, September, and October of 2008.

3 11. On February 5, 2009, OUZTS submitted a fraudulent rental agreement to NASA
4 travel officials as substantiation for his lodging expenses from July 21, 2008, until December 25,
5 2008. The agreement contained fraudulent terms and a forged signature.

6 12. On February 24, 2009, while residing in the Northern District of California, OUZTS
7 stated to NASA officials that he had been renting a boat slip from PH for \$1200 a month during
8 his time in Washington, D.C.

9 COUNT ONE: (18 U.S.C. § 371 – Conspiracy to Commit False, Fraudulent, or Fictitious
10 Claims)

11 13. The factual allegations in paragraphs 1 through 12 are re-alleged and incorporated
12 herein as if set forth in full.

13 14. Beginning on a date unknown, but by no later than on or about September 20, 2006,
14 and continuing to on or about March 6, 2009, in the Northern District of California and
15 elsewhere, the defendant

16 PETER OUZTS

17 and unindicted co-conspirator PH, did knowingly and intentionally conspire to commit acts and
18 offenses against the laws of the United States, that is: the making and presentation of false,
19 fraudulent, and fictitious claims against the United States, in violation of Title 18, United States
20 Code, Section 371.

21 MANNER AND MEANS OF THE CONSPIRACY

22 15. It was part of the conspiracy between 2004 and 2008 that OUZTS regularly
23 fraudulently claimed that he was paying PH \$1,200 a month for a rental property at Gangplank
24 Marina in travel vouchers submitted to NASA. After being audited by NASA officials, OUZTS
25 submitted fraudulent receipts payable to PH as substantiation for this lodging expenses from
26 March 2004 through August 2008.

27 16. It was further a part of the conspiracy that PH initiated these fraudulent receipts.

28 17. It was further part of the conspiracy that OUZTS subsequently claimed to NASA

1 officials on February 24, 2009, that he had been renting a boat slip from PH for \$1,200 a month
2 while residing in Washington, D.C.

3 OVERT ACT COMMITTED IN FURTHERANCE OF THE CONSPIRACY

4 18. In furtherance of the conspiracy and to affect the objects thereof, at least one of the
5 co-conspirators committed and caused to be committed in the Northern District of California and
6 elsewhere, the following overt acts on or about the dates set forth below:

7 a. On November 6, 2008, OUZTS signed and submitted to NASA officials the
8 following three travel vouchers for August 1, 2008, through October 31, 2008:

9 1. for August 1, 2008, through August 31, 2008, a travel voucher claiming
10 \$2,591.51 of expenses;

11 2. for September 1, 2008, through September 30, 2008, a travel voucher
12 claiming \$2,700.00 in expenses; and

13 3. for October 1, 2008, through October 31, 2008, a travel voucher
14 claiming \$2,767.51 in expenses.

15 b. On February 5, 2009, OUZTS faxed to NASA Shared Services Center a
16 fraudulent lease agreement between himself, Grace Schmidt, and Herb Schmidt for the alleged
17 rental of a property located at 317 Centennial Street, Santa Cruz, CA. OUZTS provided this
18 lease agreement as support and documentation for his living expenses from August 1, 2008,
19 through October 31, 2008.

20 c. On February 24, 2009, OUZTS claimed to NASA officials in email
21 correspondence and a telephonic conversation that he had been renting a boat slip from PH for
22 \$1,200 a month while residing in Washington, D.C.

23 All in violation of 18 U.S.C. § 371.

24 COUNT TWO: (18 U.S.C. § 287 – False, Fraudulent, or Fictitious Claims)

25 19. The factual allegations in paragraphs 1 through 12 are hereby realleged and
26 incorporated by reference as if set forth in full herein.

27 20. On or about November 6, 2008, in the Northern District of California, the defendant,

28 PETER OUZTS

INDICTMENT

1 made and falsely presented to NASA officials a voucher expense claim against NASA, that is,
2 the defendant falsely claimed lodging expenses for the period of August 1, 2008, through August
3 31, 2008, totaling \$2,591.51, knowing that the claim was false in that the defendant was not
4 incurring the claimed lodging expenses during this period, in violation of 18 U.S.C. § 287.

5 COUNT THREE: (18 U.S.C. § 287 – False, Fraudulent, or Fictitious Claims)

6 21. On or about November 6, 2008, in the Northern District of California, the defendant,
7

PETER OUZTS

8 made and falsely presented to NASA officials a voucher expense claim against NASA, that is the
9 defendant falsely claimed lodging expenses for the period of September 1, 2008, through
10 September 30, 2008, totaling \$2,700.00, knowing that the claim was false in that the defendant
11 was not incurring the claimed lodging expenses during this period.

12 COUNT FOUR: (18 U.S.C. § 287 False, Fraud, or Fictitious Claims)

13 22. On or about November 6, 2008, in the Northern District of California, the defendant,

PETER OUZTS

15 made and falsely presented to NASA officials a voucher expense claim against NASA, that is the
16 defendant falsely claimed lodging expenses for the period of October 1, 2008, through October
17 31, 2008, totaling \$2,767.51~~00~~, knowing that the claim was false in that the defendant was not
18 incurring the claimed lodging expenses during this period, in violation of 18 U.S.C. § 287

19 COUNT FIVE: (18 U.S.C. §1001 – False Statement to a Government Agency)

20 23. The factual allegations in paragraphs 1 through 12 are hereby realleged and
21 incorporated by reference as if set forth in full herein.

22 24. On February 5, 2009, in the Northern District of California, in a matter within the
23 jurisdiction of NASA, an agency of the United States, the defendant, PETER OUZTS, did
24 knowingly and willfully make and use a material false writing and document by presenting to
25 NASA a rental agreement, which the defendant represented as accurately reflecting his lodging
26 expenses from July 21, 2008 to December 25, 2008, when in truth and in fact, as the defendant
27 well knew, the defendant had altered and provided materially false information regarding the
28 signatories, terms, and dates on the rental agreement, in violation of 18 U.S.C. § 1001.

1

2 COUNT SIX: (18 U.S.C. §1001 – False Statement to a Government Agency)

3 23. The factual allegations in paragraphs 1 through 12 are hereby realleged and
4 incorporated by reference as if set forth in full herein.

5 24. On February 24, 2009, in the Northern District of California, in a matter within the
6 jurisdiction of NASA, an agency of the United States, the defendant, PETER OUTZS, did
7 knowingly and willfully make and use a material false writing by claiming to NASA officials in
8 email correspondence that he rented a boat slip from PII for \$1200 a month while residing in
9 Washington, D.C. from March 2004 to August 2008, when in truth and in fact, as the defendant
10 well knew, at no point did he rent a boat slip or any lodging accommodation from PII during
11 that period, in violation of 18 U.S.C. § 1001.

12

13

DATED:

A TRUE BILL.

Jeffrey Nedrow

FOREPERSON (Deputy)

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JOSEPH P. RUSSONIELLO

20

United States Attorney

21



22

JEFFREY D. NEDROW

23

Deputy Chief, San Jose Branch Office

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27

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(Approved as to form:


SAUSA STEVEN E. SEITZ

INDICTMENT

ATTACHMENT TO PENALTY SHEET FOR PETER OUZTS

COUNT ONE (18 U.S.C. §371 – Conspiracy to Commit False, Fraudulent, or Fictitious Claims)

5 years imprisonment; 3 years of supervised release; \$250,000 fine, and a special assessment of \$100;

COUNTS TWO THROUGH FOUR (18 U.S.C. §287 – False, Fraudulent, or Fictitious Claims)

5 years imprisonment; 3 years of supervised release; \$250,000 fine, and a special assessment of \$100;

COUNTS FIVE AND SIX (18 U.S.C. §1001 – False Statement to a Government Agency)

5 years imprisonment; 3 years of supervised release; \$250,000 fine, and a special assessment of \$100;

AO 257 (Rev. 8/78)

1:09 MJ 4050

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

18 U.S.C. 371 - Conspiracy to Commit False, Fraudulent, or Fictitious Claims; 18 U.S.C. 287 - False, Fraudulent, or Fictitious Claims; 18 U.S.C. 1001 - False Statement to a Government Agency

Petty
 Minor
 Misdemeanor
 Felony

PENALTY:

See attached sheet

E-filing

Name of District Court, and/or Judge/Magistrate Location
 NORTHERN DISTRICT OF CALIFORNIA

FILED

DEFENDANT - U.S.

Peter Ouzis

2009 OCT 28 P 1:40

DISTRICT COURT NUMBER

RICHARD W. WICKING CLERK, U.S. DISTRICT COURT

JF

CR - 09 01051

DEFENDANT

PVT

IS NOT IN CUSTODY

1) Has not been arrested, pending outcome this proceeding.
 If not detained give date any prior summons was served on above charges

2) Is a Fugitive

3) Is on Bail or Release from (show District)

IS IN CUSTODY

4) On this charge

5) On another conviction

6) Awaiting trial on other charges } Fed'l State

If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes No } If "Yes" give date filed

DATE OF ARREST Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY Month/Day/Year

This report amends AO 257 previously submitted.

Name and Office of Person Furnishing Information on THIS FORM

JOSEPH P. RUSSONIELLO

U.S. Atty Other U.S. Agency

Name of Asst. U.S. Atty (If assigned)

SAUSA Steven F. Seitz

PROCESS:

ADDITIONAL INFORMATION OR COMMENTS

SUMMONS NO PROCESS* WARRANT Bail Amount: None

If Summons, complete following:

Arraignment Initial Appearance

Defendant Address:

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____

Before Judge: _____

Comments: _____

Termed

U.S. District Court
Northern District of Ohio (Cleveland)
CRIMINAL DOCKET FOR CASE #: 1:09-mj-04050-NAV All Defendants
Internal Use Only

Case title: United States of America v. Ouzts

Date Filed: 11/04/2009

Date Terminated: 11/04/2009

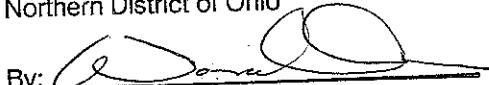
Assigned to: Magistrate Judge Nancy A.
 Vecchiarelli

Defendant (1)

Peter Ouzts
 TERMINATED: 11/04/2009

represented by **Carolyn M. Kucharski**
 Office of the Federal Public Defender -
 Cleveland
 Northern District of Ohio
 750 Skylight Office Tower
 1660 West Second Street
 Cleveland, OH 44113
 216-522-4856
 Fax: 216-522-4321
 Email: carolyn_kucharski@fd.org
ATTORNEY TO BE NOTICED
 **Designation: Public Defender or Community
 Defender Appointment**

I hereby certify that this instrument is a true and
 correct copy of the original on file in my office.
 Attest: Geri M. Smith, Clerk
 U.S. District Court
 Northern District of Ohio

By: 
 Deputy Clerk

Pending Counts

None

Disposition**Highest Offense Level (Opening)**

None

Disposition**Terminated Counts**

None

Highest Offense Level (Terminated)

None

Disposition**Complaints**

18:371, Conspiracy to Commit False,
 Fraudulent, or Fictitious Claims; 18:287, False,
 Fraudulent, or Fictitious Claims; 18:1001, False
 Statement to Government Agency

Plaintiff

United States of America

represented by **Daniel J. Riedl**
 Office of the U.S. Attorney - Cleveland

Northern District of Ohio
 Ste. 400
 801 Superior Avenue, W
 Cleveland, OH 44113
 216-622-3669
 Fax: 216-522-8355
 Email: daniel.riedl@usdoj.gov
ATTORNEY TO BE NOTICED

Gary D. Arbeznik
 Office of the U.S. Attorney - Cleveland
 Northern District of Ohio
 Ste. 400
 801 Superior Avenue, W
 Cleveland, OH 44113
 216-622-3756
 Fax: 216-522-8355
 Email: Gary.Arbeznik@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/04/2009		Arrest (Rule 40) of Peter Ouzts on 11/04/2009. (G,W) (Entered: 11/05/2009)
11/04/2009	<u>1</u>	Rule 40 Warrant received as to Peter Ouzts. (Attachments: # <u>1</u> Indictment)(G,W) (Entered: 11/05/2009)
11/04/2009		Minutes of proceedings [non-document] before Magistrate Judge Nancy A. Vecchiarelli. Initial Appearance in Rule 5(c)(3) Proceedings as to Peter Ouzts held on 11/4/2009. FPD Carolyn M. Kucharski appointed for the initial appearance only. Gary Arbeznik and Daniel Riedl for government. Identity hearing waived. Bond set at \$50,000 unsecured with conditions. Defendant ordered to appear in the Northern District of California before Judge Seeborg on 11/19/2009 at 9:30 a.m. (Court Reporter: D. Bettis) Time: 09 Minutes. (G,W) (Entered: 11/05/2009)
11/04/2009	<u>2</u>	Waiver of Rule 5(c)(3) Hearing by Peter Ouzts. Identify Hearing waived. (G,W) (Entered: 11/05/2009)
11/04/2009	<u>3</u>	Appearance Bond Entered as to Peter Ouzts in amount of \$50,000 Unsecured, with Conditions. (Attachments: # <u>1</u> Order Setting Conditions of Release) (G,W) (Entered: 11/05/2009)
11/04/2009		(Court only) ***Case Terminated as to Peter Ouzts, ***Terminated defendant Peter Ouzts, pending deadlines, and motions. (G,W) (Entered: 11/05/2009)
11/05/2009	<u>4</u>	Receipt for Passport (USA) of Peter Ouzts received on 11/5/09, Receipt Number C225 (C,B) (Entered: 11/05/2009)
11/05/2009	<u>5</u>	Letter transferring case to the Northern District of California as to Peter Ouzts. (G,W) (Entered: 11/05/2009)